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10 Attorneys for Defendant International Business  
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11  
12 UNITED STATES DISTRICT COURT  
13  
14 SOUTHERN DISTRICT OF CALIFORNIA

15 ASUSTEK COMPUTER, INC.,

16 Plaintiff,

17 vs.

18 INTERNATIONAL BUSINESS MACHINES  
19 CORPORATION,

20 Defendant.

CASE NO. 08-CV-602-JM (WMc)

REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF DEFENDANT'S MOTION  
FOR A MORE DEFINITE STATEMENT

Judge: Hon. Jeffrey T. Miller

Date: May 30, 2008

Time: 1:30 p.m.

Crtrm.: 16

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22 Pursuant to Federal Rule of Evidence 201, defendant International Business Machines  
23 Corporation hereby requests that the Court take judicial notice of the following documents:

24 1. The United States Patent and Trademark's Office's assignment record for U.S.  
25 Patent No. 6,041,346, available at  
26 <http://assignments.uspto.gov/assignments/q?db=pat&qt=pat&reel=&frame=&pat=6041346&pub=>  
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1 &asnr=&asnri=&asne=&asnei=&asns=. A true and correct copy of the page entitled "Patent  
2 Assignment Abstract of Title" is attached hereto as Exhibit A.

3 2. ASUSTeK Computer, Inc. and ASUS Computer International's Memorandum in  
4 Support of Motion for a More Definite Statement, filed in *Phillip M. Adams & Associates, L.L.C.*  
5 *v. Dell, Inc.*, Case No. 05-cv-00064-TS-DN, downloaded from the official court website at  
6 <https://ecf.utd.uscourts.gov>. A true and correct copy of the motion is attached hereto as Exhibit B.

7 3. Memorandum Decision and Order granting in part and denying in part ASUSTeK's  
8 Motion for More Definite Statement dated January 22, 2008, issued by the United States District  
9 Court for the District of Utah, Northern Division in *Phillip M. Adams & Associates, L.L.C. v. Dell,*  
10 *Inc.*, Case No. 05-cv-00064-TS-DN, downloaded from the official court website at  
11 <https://ecf.utd.uscourts.gov>. A true and correct copy of the Memorandum Decision and Order is  
12 attached hereto as Exhibit C.

13 4. The complaint filed in *Asustek Computer, Inc. et al v. International Business*  
14 *Machines Corporation*, Case No. C-08-1168 MMC in United States District Court for the  
15 Northern District of California, downloaded from the official court website at  
16 <https://ecf.cand.uscourts.gov>. A true and correct copy of the complaint is attached hereto as  
17 Exhibit D.

18 5. The complaint filed in *In the Matter of Computer Products, Computer Components*  
19 *and Products Containing Same*, Inv. No. 337-TA-628, before the United States International  
20 Trade Commission, attached as Exhibit 1 to the complaint filed in *Asustek Computer, Inc. et al v.*  
21 *International Business Machines Corporation*, Case NO. C-08-1168 MMC in United States  
22 District Court for the Northern District of California. A true and correct copy of the complaint is  
23 attached hereto as Exhibit E.

24 6. IBM's Answer and Counterclaims filed in *Asustek Computer, Inc. et al v.*  
25 *International Business Machines Corporation*, Case NO. C-08-1168 MMC in United States  
26 District Court for the Northern District of California, downloaded from the official court website  
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1 at <https://ecf.cand.uscourts.gov>. A true and correct copy of the Answer and Counterclaims is  
2 attached hereto as Exhibit F.

3 Judicial notice of the assignment record from the Patent and Trademark Office's website is  
4 proper under Federal Rule of Evidence 201(b)(2) because the website is a source that is "capable  
5 of accurate and ready determination by resort to sources whose accuracy cannot reasonably be  
6 questioned." Fed. R. Evid. 201(b)(2). Courts may take judicial notice of information obtained  
7 from an official government website. *Denius v. Dunlap*, 330 F.3d 919, 926-27 (7th Cir. 2003).

8 This Court may also take judicial notice of court pleadings filed in other federal district  
9 courts and court dockets from this jurisdiction and other federal jurisdictions, pursuant to Federal  
10 Rule of Evidence 201(b)(2). *United States v. Wilson*, 631 F.2d 118, 119 (9th Cir. 1980); *U.S. ex*  
11 *rel Robinson Rancheria Citizens Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992). This  
12 Court may further take judicial notice of a complaint filed in the International Trade Commission.  
13 *See Competitive Technologies v. Fujitsu Ltd.*, 286 F. Supp. 2d 1118, 1123 (N.D. Cal. 2003).

14 DATED: April 23, 2008

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